

RECEIVED  
02-17-06P12:33 RCVD

DETROIT FIELD OFFICE  
USDA-FNS

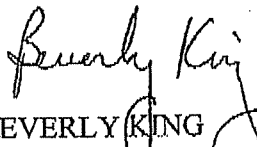
FEB 13 2006

TO: Detroit Field Office  
Food and Nutrition Service

RE: Ousso Enterprises - Dearborn

Attached is a copy of my final letter of determination to Ms. Deborah Malone who represents the owner of the subject store. My letter sustains the initial decision of your office to permanently deny Mr. Oussama Berro's participation in the Food Stamp Program and to impose a penalty in the amount of \$2,075 for the unauthorized acceptance of food stamp benefits.

The case file is attached.

  
BEVERLY KING  
Administrative Review Officer  
Food and Nutrition Service

Attachments

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

FEB 13 2006

Ms. Deborah Malone, Accountant  
26681 Grandmont  
Roseville, MI 48066

RE: Ousso Enterprises - Dearborn

Dear Ms. Malone:

This letter is to inform you of my determination following an administrative review of the initial decision by the Detroit Field Office of the Food and Nutrition Service to permanently deny your client's application to participate in the Food Stamp Program and to impose a civil money penalty for the unauthorized acceptance of food stamp benefits. My review has encompassed the information you have provided, as well as the information in the administrative files presently before me and the requirements of appropriate Food Stamp Program law.

The information in the administrative file indicates that your client submitted an application to participate in the Food Stamp Program to the Field Office. That office wrote to your client on August 5, 2005, indicating that the application was denied. The basis for this decision was that the Field Office determined that a previous store under the ownership of Mr. Oussama Berro engaged in trafficking, or the exchange of cash for food stamp benefits, with a USDA investigative aide. At the time these transactions occurred the store was not authorized to participate in the Food Stamp Program.

Your client requested an administrative review of the initial decisions made by the Field Office and I responded to him indicating that the Branch Chief had accepted his request for review. Subsequent to that letter you wrote to me stating that you now represented Mr. Berro in this matter.

You stated in your letter to me that the violations took place shortly after your client became the owner of the store in 2001 but that he had no knowledge that his employee had engaged in trafficking. You stated that Mr. Berro sold the store but has now opened a new store and needs to obtain a food stamp authorization. You also indicated that he has paid the civil money penalty.

After a complete review of the administrative file it is my determination that the decision of the Field Office was the proper decision in this case. As indicated previously, when the trafficking violations occurred in 2001 your client was not authorized to accept food stamp benefits. Had he been authorized, however, he would have been permanently disqualified.

The Food Stamp Program regulations (278.1(k)) give Field Offices the authority to deny applications from firms applying for participation at other stores if a sanction had not been imposed and satisfied. In the case at hand, the penalty is permanent denial of your client's application since he was not permanently disqualified at the previous store.

2

Therefore, I am sustaining the decision of the Field Office to permanently deny your client's application for authorization to participate in the program and to fine him \$2,075 for the unauthorized acceptance of food stamp benefits.

Your attention is called to Section 14 of the Food Stamp Act and to Section 279.10 of the regulations with respect to your client's right to a judicial review of this determination. Please note that if a judicial review is desired, the Complaint, naming the United States as the defendant, must be filed in the U.S. District Court for the district in which your client resides or is engaged in business, or in any court of record of the State having competent jurisdiction. If any such complaint is filed, it must be filed within 30 days of receipt of this letter.

Sincerely,

/s/

BEVERLY KING  
Administrative Review Officer  
Food and Nutrition Service

cc: Detroit Field Office